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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 000315

SIPDIS

DEPARTMENT FOR EUR/SE

E.O. 12958: DECL: 02/26/2020

TAGS: [PREL](#) [PGOV](#) [TU](#)

SUBJECT: TURKEY: AFTER A BRIEF LULL, NEW ARRESTS AND
DETENTIONS

REF: A. ANKARA 304

[B](#). ANKARA 300

[C](#). ANKARA 294

[D](#). ANKARA 104

Classified By: DCM Doug Silliman, Reasons 1.4 (b,d)

[1](#). (C) Summary: An Istanbul court on February 26 charged and jailed eleven of the officers detained in the alleged "Sledgehammer" coup plot against the government (bringing the total to 31). In addition, a new round of detentions in thirteen cities the same day brought another eighteen service members into custody. Although tensions seemingly had eased in Turkey on February 25 following the well-publicized meeting between President Gul, PM Erdogan, and CHOD GEN Basbug and the release of three retired senior military commanders, PM Erdogan's strong public statements the following day suggest that the government remains determined to push forward a sweeping prosecution aimed at a large circle of military personnel linked to the 2003 seminar that featured the detailed "Sledgehammer" plan. Even the AKP's former Speaker of Parliament told us that no evidence has emerged that would "satisfy public opinion" about the validity of the detentions. To date there is little discussion as to whether or not the charged individuals will be tried in civilian or military courts; however, this is likely to become a source of significant debate. End summary.

An Initial Calming Effect...

[2](#). (SBU) Tensions eased following the detentions of nearly fifty active and retired Turkish military officers (refs A-C) for possible participation in the alleged "Sledgehammer" coup plot against the government. Shortly after a meeting between President Gul, PM Erdogan, and CHOD GEN Basbug on February 25, the court released Former Air Forces Commander GEN Ibrahim Firtina, former Naval Forces Commander ADM Ozden Ornek and former First Army Commander (and Deputy CHOD) GEN Ergin Saygun. Prosecutor Turan Colakkadi stated that these individuals are not expected to flee or destroy evidence; however, the investigations against them will continue. Although the meeting and releases were not necessarily linked, the combination helped to defuse some of the political tensions. Also helping to reduce tensions was the significant press coverage of the meeting's main points ("three messages in three hours"): the sensitivities of the Turkish Armed Forces will be taken into consideration; Turkish public opinion should realize that the situation is under control; and problems will be resolved by legal means.

...Followed By Arrests, Detentions (And Promises For More)

13. (SBU) Nevertheless, today the court proceeded to formally charge eleven officers (including two active admirals and one retired general) of those previously detained, bringing the total number of arrested and charged to thirty-one. Police also detained and sent to Istanbul at least 1 active and 17 retired service members following new operations in thirteen cities, including the Konya city Jendarmerie Commander. These individuals were, according to press, detained in connection with "Chador" and "Beard," sub-plots of the alleged Sledgehammer coup plan.

14. (SBU) Speaking to lawmakers following the arrest of the additional 11 officers, PM Erdogan challenged those who would act against his government, stating that "No one is above the law, no one is untouchable, no one is privileged." He went on to underscore that the process was difficult, but essential. "The process underway is painstaking, but it is for the benefit of the people; today's developments are setting free the consciousness of the people...Those conspiring behind closed doors to trample on the nation's will from now on will find themselves facing justice...They should know they won't get away with it."

Civilian or Military Courts?

15. (C) Press reports indicate that many lower-ranking officers remain detained or have been arrested. A full list

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of those arrested has not been officially published by the Istanbul Public Prosecutor's office. It remains unclear whether or not the arrested will be held and tried by the civilian courts, or transferred to a military court. According to Article 145 of the Turkish Constitution, military courts have jurisdiction over military personnel for offenses connected to the execution of the military duties. (A June 2009 constitutional amendment which gave civilian courts jurisdiction over military personnel accused of crimes against state security, national defense, or the constitutional order was struck down in by the Constitutional Court in January. See ref D.) According to constitutional law expert, AKP MP and Chair of the Parliamentary Justice Committee Ahmet Iyimaya, the civilian court will likely argue that these individuals will be tried under Articles 250 and 251 of the Turkish Criminal Procedures Law, which lists crimes (including coup d'etats) that fall under jurisdiction of special civilian courts. These courts are authorized to try anyone, military or civilian.

COMMENT

16. (C) PM Erdogan's public comments following the arrest of more military service members, seems deliberately provocative and will only re-ignite tensions between the ruling party and its secularist critics, for whom the Turkish military is a key symbol. CHOD GEN Basbug continues to remain silent, but he may be facing internal pressure to take some sort of public stance. Other options, such as mass resignations of senior military officers have been posited in the press, but strike us as counterproductive. LTGEN (J2) Hakki Pekin told PolMil Counselor late on February 26 that the TGS is not worried about the course of events, and that the military will not act outside the rule of law, adding "We trust the judges." As the judicial process continues in its early stages, public statements from outside Turkey would likely only throw fuel on the fire. The Ambassador will use a previously-scheduled meeting with Deputy CHOD GEN Aslan Guner on March 2 to obtain the TGS' view on how they intend to proceed in light of the arrests and the new wave of detentions.

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